



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

IN OPPOSITION TO:

**H.B. NO. 5277: AN ACT CONCERNING A KNOWING AND WILFUL VIOLATION OF  
CHAPTER 155**

JOINT COMMITTEE ON GOVERNMENT ADMINISTRATION AND ELECTIONS  
March 3, 2014

The Division of Criminal Justice respectfully opposes H.B. No. 5277, An Act Concerning a Knowing and Wilful Violation of Chapter 155, and would respectfully recommend the Committee take NO ACTION on this bill. While the Division has no opposition to – and would in fact support – higher monetary fines for knowing and wilful violations of the campaign finance laws, we cannot support the proposal to effectively eliminate criminal penalties for such violations.

H.B. No. 5277 eliminates the current statutory provision that a knowing and wilful violation of any provision of Chapter 155 of the General Statutes (Campaign Financing) shall be guilty of class D felony. A class D felony is a criminal offense, which pursuant to Section 53a-35a of the Penal Code is punishable by a term of incarceration of not more than five years, and, pursuant to section 53a-41 of the Penal Code, a fine of up to five-thousand dollars.

While substantially increasing the potential monetary penalty for violating the campaign finance laws, H.B. No. 5277 would no longer deem such a violation a felony criminal offense and thus would eliminate the consequences of a felony conviction, including but not limited to the possibility of incarceration. Further, the State Elections Enforcement Commission would no longer even have the ability to refer certain violations to the Office of the Chief State's Attorney for investigation and possible prosecution since such conduct would no longer be considered criminal.

Such violations are not only crimes against the integrity of the process. With the advent of the Citizens Election Fund and the expenditure of public funds on campaigns, violations of the campaign finance laws can constitute Larceny by Defrauding a Public Community. The offenders may no longer just be stealing from the campaign bill, they are now stealing from the public treasury.

Threat of a felony conviction and the consequences that it carries is not only appropriate to protect the integrity of our campaign and elections system, but also a necessary deterrent to conduct that would undermine that system. The unfortunate reality is that as the cost of political campaigns continues to increase beyond levels never imagined

not so long ago, so does the temptation to consider a purely financial penalty for violations as just another "cost of doing business." The vast majority of those who run for office and who volunteer on political campaigns do so out of devotion to public service and the public good. Their tremendous contributions to our society should not be undermined by those who would break the law.

In conclusion, the Division of Criminal Justice respectfully recommends the Committee reject the provisions of H.B. No. 5277 that would eliminate the criminal consequences of violating the campaign finance laws. We thank the Committee for the opportunity to submit input on this bill and would be happy to provide any additional information the Committee might require.